

### **Amendments to the Claims**

This listing of claims will replace all prior versions, and listings, of claims in the application:

#### **Listing of Claims:**

- 1 (Currently Amended). Seed of soybean variety XB16Q04, representative seed of said soybean variety XB16Q04 having been deposited under ATCC Accession N[~~o:~~]umber PTA-~~XXXX~~6441.
2. (Original). A soybean plant, or a part thereof, produced by growing the seed of claim 1.
3. (Original). The soybean plant part of claim 2 wherein said part is pollen.
4. (Original). The soybean plant part of claim 2 wherein said part is an ovule.
5. (Original). A tissue culture of protoplasts or regenerable cells from the plant of claim 2.
6. (Original). A tissue culture according to claim 5, wherein cells or protoplasts of the tissue culture are obtained from plant tissue selected from the group consisting of: leaf, pollen, cotyledon, hypocotyl, embryos, root, pod, flower, shoot and stem.
7. (Currently Amended). A soybean plant regenerated from the tissue culture of claim 5 and having all the morphological and physiological characteristics of soybean variety XB16Q04, representative seed of said soybean variety XB16Q04 having been deposited under ATCC Accession N[~~o:~~]umber PTA-~~XXXX~~6441.
8. (Original). A method for producing a progeny soybean plant comprising:  
crossing the plant of claim 2 with a different soybean plant,  
harvesting the resultant soybean seed, and  
growing a soybean plant.